IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7148 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SUNILKUMAR KANJIBHAI MANGE - Petitioner(s)
Versus
DISTRICT CIVIL SUPPLY OFFICER & 2 - Respondent(s)

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Appearance :
MR BA SURTI for Petitioner(s) : 1,
Ms KRINA CALLA, AGP for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 03/08/2007

ORAL JUDGMENT

The petitioner has challenged an order dated 27th October 1995 passed by the District Supply Officer of Valsad district by which the license granted to the

petitioner to run a fair price shop came to be cancelled.

2. Against the petitioner, following four charges were levelled:-

(1)On 7th March,1995, the petitioner kept the shop closed without prior permission.
(2)The petitioner did not cooperate with the proceedings initiated for keeping the shop closed on 7th March 1995.
(3)The petitioner changed the location of his shop without prior permission, and
(4)The petitioner is dealing primarily in kerosene and is not providing other controlled items.

After giving a show cause notice and taking into consideration the reply of the petitioner, the authority passed the above order by which the license of the petitioner to run the fair price shop was cancelled. The petitioner preferred further appeal and revision against the said order. However, having failed in his attempt, the petitioner has approached this Court.

3. Having heard the learned advocate Shri Surti for the petitioner and learned AGP Ms.Calla for the State, I do not find any illegality in the orders passed by the authorities below which can be corrected in writ jurisdiction. The charges against the petitioner were established. Before doing so,the

petitioner was given an opportunity to explain his conduct.

4. I, however, agree with the suggestion of the learned advocate Shri Surti that the defaults of the petitioner were not involving in malpractice or illegality and that for such technical defaults, a lesser punishment should have been considered. However, the fact remains that while admitting the petition in the year 1998, this Court had not granted any stay. For nearly 10 years, therefore,in the area in which the petitioner was operating, the authorities must have granted fresh licence for running a fair price shop. It would not be, therefore, proper to disturb the current situation. However, it would be open for the petitioner to apply for license to run fair price shop as and when the Government invites such application and the application will be decided in accordance with rules. Wit these observations, the petition is disposed. Rule is discharged.

(Akil Kureshi, J.)

(vjn)